

## **REMARKS**

### **I. Status of the Application**

At the time of the Action, Claims 26-33 were pending. Claims 27-29 and 31-33 were indicated to be allowable. Claim 31 has been canceled, its subject matter having been incorporated into new Claim 36; Claim 36 should now be allowable. Claim 33 has also been canceled, its subject matter having been incorporated into new Claim 34, which should also be allowable. Claims 26 and 30 stand rejected under Section 103(a). This rejection is addressed below.

### **II. The Section 103(a) Rejection**

The Action rejects Claims 26 and 30 as rendered obvious under Section 103(a) based on U.S. Patent No. 1,847,564 to Hood (Hood) in combination with U.S. Patent No. 3,601,437 to Lyons (Lyons). The Action states that Hood discloses all of the elements of Claim 26 with the exception of a single release member for actuating both latches simultaneously in order to open both doors at the same time. Lyons is cited for the disclosure of two latches **60** (**Figures 1 and 2** of Lyons) that can be activated with a single pull handle **76**. Based on these teachings, the Action concludes that Claims 26 and 30 would have been obvious to one of ordinary skill in this art, and rejects this claim under Section 103(a).

In response, Applicants note that Hood is directed to a refrigerator. As is well-known, it is undesirable for the doors of a refrigerator to open unless some item is to be placed inside of or removed from the cavity of the refrigerator; otherwise, the cooling air of the refrigerator can escape, thereby reducing the cooling effect of the refrigerator. Thus, it would be undesirable for a refrigerator door to open unless the user was planning to place or remove an item from the refrigerator.

Turning now to the rejection, the Action states that it would have been obvious to use the latch arrangement disclosed in Lyons, which includes two latches **60** that can be opened with a single external handle **76**, on the refrigerator of Hood. However, even if the latch arrangement of Lyons could be somehow mounted to the Hood refrigerator for use, it would be undesirable to

do so, as actuation of the handle **76** would cause **both** refrigerator doors to open at the same time. As discussed above, unless the user planned to place or remove items from **both** cavities at the same time, one of the doors would open unnecessarily and, in the case of a refrigerator, undesirably, because the cooling effect inside the unnecessarily-opened cavity would be disadvantageously reduced. Thus, Applicant submits that the ordinarily skilled artisan would not have combined Hood and Lyon because the undesirability of both refrigerator doors opening at the same time would have been recognized.

In addition, neither Lyon nor Hood provides any guidance about how the Hood latching mechanism would be modified to have a release lever that enables both doors to open.

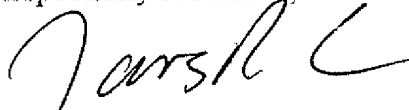
In view of the foregoing, Applicant respectfully requests that the rejections of Claims 26 and 30 under Section 103(a) based on Hood and Lyon be withdrawn.

In addition, Claim 26 recites that the at least one release member protrudes "forwardly from the support member." The Action cites foot pieces **26** as meeting the recitation of "at least one release member" in Claim 26. However, the foot pieces **26** do no "protrude forwardly from the support member"; instead, they protrude from a position underneath the refrigerator well below the partition between the doors. As such, Applicants submit that the foot pieces do not meet this additional recitation of Claim 26, which is free of the art of record for this additional reason.

**III. Conclusion**

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicants respectfully submit that the application is in condition for allowance, and requests that it be passed to allowance and issue.

Respectfully submitted,



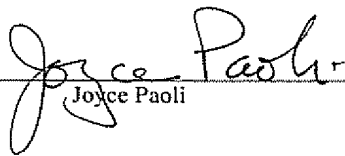
James R. Cannon  
Registration No. 35,839

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer Number 20792

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 5, 2007.

Signature: \_\_\_\_\_

  
Joyce Paoli